

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 21452 of 2006(D)

**AGAINST THE ORDER DATED 30/11/2005 IN IA 1089/05 IN
OP(ARB)NO.4/1996 of SUB COURT, PATHANAMTHITTA**

PETITIONER:

**R.SURESH, CONTRACTOR,
SURESH BHAVAN, PARUTHIYARA, ODANAVATTOM P.O.,
KOTTARAKARA.**

BY ADV. SRI.P.K.BALAKRISHNAN NAIR

RESPONDENTS:

- 1. THE STATE OF KERALA, REPRESENTED
BY THE SECRETARY TO GOVERNMENT, IRRIGATION
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE EXECUTIVE ENGINEER,
K.I.P.(MCS) DIVISION, NELLIPPALLY,
PUNALLUR.**

BY GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WPC.NO.21452/2006 D

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: COPY OF THE PETITION DTD. 15/01/96 FILED BY THE PETITIONER BEFORE THE SUB COURT, PATHANAMTHITTA TO DECREE THE AWARD.**
- EXT.P2: COPY OF THE PETITION DTD. 8/03/96 FILED BY THE RESPONDENTS BEFORE THE SUB COURT, PATHANAMTHITTA TO SET ASIDE THE AWARD.**
- EXT.P3: COPY OF I.A.NO.991/04 FILED BY THE PETITIONER ON 28/09/04 TO TRANSFER THE CASE.**
- EXT.P4: COPY OF THE ORDER DTD. 30/09/04 IN I.A.NO.991/04 PASSED BY THE SUB COURT, PATHANAMTHITTA.**
- EXT.P5: COPY OF I.A.NO.1089/05 FILED BY THE PETITIONER ON 15/11/05 TO TRANSFER THE CASE.**
- EXT.P6: COPY OF THE ORDER DTD. 30/11/05 IN I.A.1089/05 PASSED BY THE SUB COURT, PATHANAMTHITTA.**

/TRUE COPY/

KSS

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 21452 of 2006

Dated this the 29th day of June, 2007

JUDGMENT

Ext.P6 order passed by the learned Subordinate Judge is under challenge. On going through Ext.P6, I do not find any infirmity about the same warranting interference under Article 227. It is the case of the petitioner that Ext.P6 contains factual errors. It is open to the petitioner to move the learned Subordinate Judge with appropriate application for review.

The writ petition is dismissed subject to the above observation.

**PIUS C. KURIAKOSE,
JUDGE.**

dpk